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10/726,648	12/04/2003	Jong-Tak Kim	P-0593	6158

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 December 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-32_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-32_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _04 December 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d).

Information Disclosure Statement

2.   The four information disclosure statements (IDS) submitted on 11/20/2006,

01/10/2006, 01/28/2005, and 07/15/2004 are in compliance with the provisions of 37

CFR 1.97. Accordingly, the information disclosure statements are being considered by

the examiner.

Drawings

3.   Figure 1-2 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 8-11, 13-22, 24-30, 32** are rejected under 35 U.S.C. 102(e) as being

anticipated by Neely, III et al (US 2004/0139157 A1).

6.   **Regarding claim 8,** Neely, III et al teach a method comprising: transmitting

header information of a multimedia message from a user agent to a server (pg. 1, par.

0005, pg. 2, par. 0012); and determining an index value of the transmitted header

information (pg. 8, par. 0081, pg. 10, par. 0097).

7.   **Regarding claim 9,** Neely, III et al teach the method of claim 8, further

comprising retrieving a multimedia message having a same index value in a mailbox

(pg. 6, 0060, pg. 7, par. 0075).

8.   **Regarding claim 10**, Neely, III et al teach the method of claim 9, further comprising inserting information of a receiving side in the retrieved multimedia message (pg. 6, par. 0060, 0067).

9.   **Regarding claim 11**, Neely, III et al teach the method of claim 10, further comprising transmitting the multimedia message to a user agent on the receiving side (pg. 11, par. 0108).

10.   **Regarding claim 13**, Neely, III et al teach the method of claim 8, wherein the index value predetermined bit to discriminate among multimedia messages (pg. 8, par. 0081).

11.   **Regarding claim 14**, Neely, III et al teach the method of claim 8, further comprising a multimedia server setting the index value to correspond to a value other than '0' (pg. 6-7, par. 0070, pg. 3, par. 0039).

12.   **Regarding claim 15**, Neely, III et al teach the method of claim 14, wherein the index value is set to correspond to '0' when contents of the multimedia message changes (pg. 6-7, par. 0070, pg. 3, par. 0039).

13.   **Regarding claim 16**, Neely, III et al teach the method of claim 14, wherein the index value is set to correspond to '0' when the multimedia message is deleted from a

mailbox (fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

14.　　**Regarding claim 17**, Neely, III et al teach the method of claim 8, further

comprising transmitting the multimedia message (pg. 1, par. 0005, pg. 2, par. 0012)

when the index value corresponds to '0' (pg. 6-7, par. 0070).

15.　　**Regarding claim 18**, Neely, III et al teach the method of claim 8, where wherein

the multimedia message stored in a mailbox has a predetermined storage time set by a

multimedia user agent (pg. 1, par. 0008, pg. 12-13, par. 0124).

16.　　**Regarding claim 19**, Neely, III et al teach the method of claim 18, further

comprising automatically deleting the multimedia message stored in the mailbox when

the set storing time elapses (pg. 9, par. 0087, pg. 12-13, par. 0124).

17.　　**Regarding claim 20**, Neely, III et al teach a multimedia communication method

comprising: receiving header information of a multimedia message (pg. 9, par. 0087, pg.

4, par. 0043); and determining how to communicate a multimedia message based on

the received header information (pg. 10, par. 0097).

18.　　**Regarding claim 21**, Neely, III et al teach the method of claim 20, wherein

determining how to communicate comprises determining an index value of the

multimedia message (pg. 8, par. 0081).

19.   **Regarding claim 22**, Neely, III et al teach the method of claim 21, wherein the

index value is provided in the header information (pg. 4, par. 0043, fig. 1).

20.   **Regarding claim 24**, Neely, III et al teach the method of claim 21, further

comprising retrieving a multimedia message having a similar index value from a

memory based on the determined index value (pg. 7, par. 0075-0076).

21.   **Regarding claim 25**, Neely, III et al teach the method of claim 24, further

comprising associating identification information of a receiving side with the retrieved

multimedia message (pg. 10, par. 0096, pg. 12, par. 0114).

22.   **Regarding claim 26**, Neely, III et al teach a server comprising: a receiving

device to receive at least an index value of a multimedia message (pg. 9, par. 0087, pg.

4, par. 0043); a processor to select information to transmit based on the index value

(pg. 8, col. 0079); and a transmitting device to transmit at least the selected information

(pg. 8, par. 0081, pg. 10, par. 0097).

23.   **Regarding claim 27**, Neely, III et al teach the server of claim 26, wherein the

index value is provided in a header of the multimedia message (pg. 4, par. 0043, fig. 1).

24.   **Regarding claim 28**, Neely, III et al teach the server of claim 26, wherein the

index value comprises a predetermined bit in order to discriminate the multimedia

message from other multimedia messages (pg. 8, par. 0081).

25.   **Regarding claim 29**, Neely, III et al teach the server of claim 26, wherein the

processor sets the index value to correspond to '0' when contents of the multimedia

message change (pg. 6-7, par. 0070, pg. 3, par. 0039).

26.   **Regarding claim 30**, Neely, III et al teach the server of claim 26, wherein the

processor sets the index value to correspond to '0' when the multimedia message is

deleted from a mailbox (fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

27.   **Regarding claim 32**, Neely, III et al teach the server of claim 26, wherein the

processor decides to retrieve a multimedia message having a similar index value from a

memory based on the determined index value (pg. 7, par. 0075-0076).

Claim Rejections - 35 USC § 103

28.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

29. **Claims 1-7, 12, 23, 31** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Neely, III et al (US 2004/0139157 A1) in view of Kuthyar et al (US

5,768,513).

30. **Regarding claim 1,** Neely, III et al. teach a method comprising: setting an index

value of a multimedia message (pg. 8, par. 0081); and forwarding the multimedia

message based on the set index value.

Neely, III et al **do not teach** forwarding the multimedia message based on the

set index value.

However in the same field of invention, Kuthyar et al teach a multimedia

message forwarding based on the set index value (pg. 5, lines 20-25).

Therefore, it would have been obvious to one of the ordinary skill in the art at the

time of the invention to combine the teaching of Neely, III et al and Kuthyar et al for a

method comprising setting an index value of a multimedia message and forward the

message based on the set index value. It is beneficial because it provides an improved

multimedia messaging service capabilities (Kuthyar: pg. 1, lines 58-60).

31. **Regarding claim 2**, Neely, III et al teach the method of claim 1, wherein the index value is set in a header of the multimedia message (pg. 4, par. 0043, fig. 1).

32. **Regarding claim 3**, Neely, III et al teach the method of claim 2, wherein the index value comprises a predetermined bit in order to discriminate the multimedia message from other multimedia messages (pg. 8, par. 0081).

33. **Regarding claim 4**, Neely, III et al teach the method of claim 2, wherein the index value is set as a value corresponding to other than '0' by a multimedia messaging service server (pg. 6-7, par. 0070, pg. 3, par. 0039).

34. **Regarding claim 5**, Neely, III et al teach the method of claim 2, wherein the index value is set as a value corresponding to '0' when contents of the multimedia message change (pg. 6-7, par. 0070, pg. 3, par. 0039).

35. **Regarding claim 6**, Neely, III et al teach the method of claim 2, wherein the index value is set as a value corresponding to '0' when the multimedia message is deleted from a mailbox (fig. 8, pg. 9, par. 0087, pg. 3, par. 0039).

36. **Regarding claim 7**, combination of Neely, III et al and Kuthyar et al teach the method of claim 1, wherein forwarding the multimedia message (Kuthyar: pg. 5, lines 20-25) comprises forwarding the multimedia message from a server to a user agent

(Neely: pg. 2, par. 0012).

37.　　**Claim12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al (US 2004/0139157 A1) as applied to claim 8 above, and further in view of Kuthyar et al (US 5,768,513).

38.　　**Regarding claim 12**, Neely, III et al teach the limitations of claim 8 for the above reason, but **do not teach** the method of claim 10, wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side.

However in the same field of invention, Kuthyar et al teach the method of claim 10, wherein the information of the receiving side comprises one of a telephone number and an address of the receiving side (fig. 2, col. 4, lines 7-23).

Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Neely, III et al and Kuthyar et al for receiving information where information contains telephone number and an address of the receiving side. It is beneficial because it provides an improved multimedia messaging service capabilities (Kuthyar: pg. 1, lines 58-60).

39.　　**Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely, III et al (US 2004/0139157 A1) as applied to claim 20 above, and further in view of Kuthyar et al (US 5,768,513).

40.   **Regarding claim 23**, Neely, III et al teach the limitations of claim 20 for the

above reason, but **do not teach** the method of claim 21, further comprising forwarding

the multimedia message from a first user agent to a second user agent based on the

determined index value.

However in the same field of invention, Kuthyar et al teach the method of claim

21, further comprising forwarding the multimedia message from a first user agent to a

second user agent based on the determined index value (pg. 5, lines 20-25).

Therefore it would have been obvious to one of the ordinary skill in the art at the

time of the invention to combine the teaching of Neely, III et al and Kuthyar et al for

forwarding the multimedia message from a first user agent to a second user agent

based on the determined index value. It is beneficial because it provides an improved

multimedia messaging service capabilities (Kuthyar: pg. 1, lines 58-60).

41.   **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Neely,

III et al (US 2004/0139157 A1) as applied to claim 26 above, and further in view of

Kuthyar et al (US 5,768,513).

42.   **Regarding claim 31**, Neely, III et al teach the limitations of claim 26 for the

above reason, but **do not teach** the method of claim 26, wherein the processor decides

to forward the multimedia message from a first user agent to a second user agent

based on the received index value.

However in the same field of invention, Kuthyar et al teach the method of claim 26, wherein the processor decides to forward the multimedia message from a first user agent to a second user agent based on the received index value (pg. 5, lines 20-25).

Therefore it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the teaching of Neely, III et al and Kuthyar et al for forwarding the multimedia message from a first user agent to a second user agent based on the determined index value. It is beneficial because it provides an improved multimedia messaging service capabilities (Kuthyar: pg. 1, lines 58-60).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee et al (US 6,789,088) teach multimedia description scheme having weight information and method for displaying multimedia. Hull et al (US 2005/0229092) teach techniques for retrieving multimedia information using a paper-based interface. Chang et al (US 5,828,809) teach a method and apparatus for extracting indexing information from digital video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umar Cheema whose telephone number is 571-270-3037. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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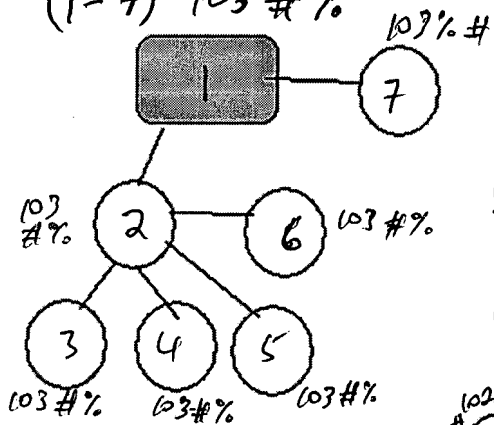system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
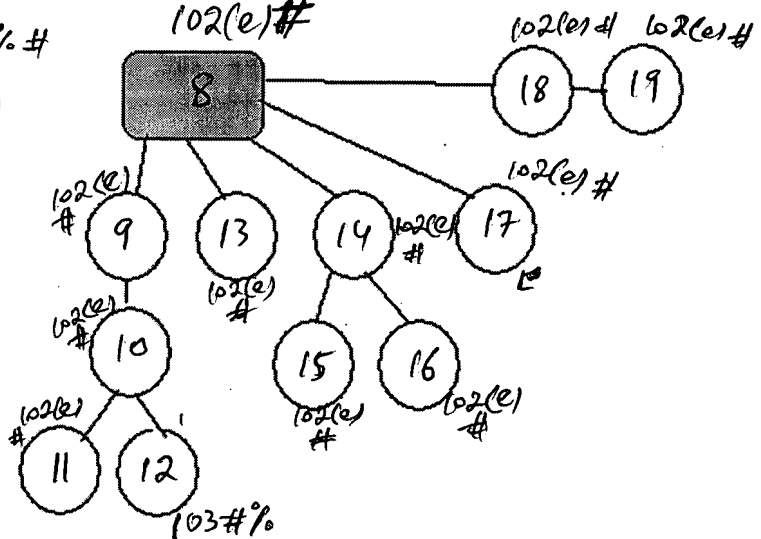
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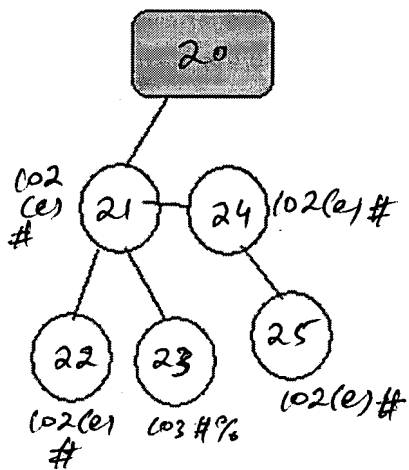PATRICK ASSOUAD
SUPERVISORY PATENT EXAMINER

Claims
(1-7) 103 #%

103% #

1

7

103 #%

2

6   103 #%

3   4   5

103 #%   103 #%   103 #%

102(e)=Claims (8-11, 13-19)
claim 12 (103% #)

102(e) #

8

102(e) #   102(e) #

18   19

102(e) #

9   13   14   102(e) #   17

102(e) #

102(e) #

10

102(e) #   15   16

11   12   102(e) #   102(e) #

103 #%

102(e) #

20

102(e) #

21   24   102(e) #

22   23   25

102(e) #   103 #%   102(e) #

102(e) #   102(e) #

27   26   32   102(e) #

102(e) #

28   29   30   31

102(e)   102(e)   103 #%
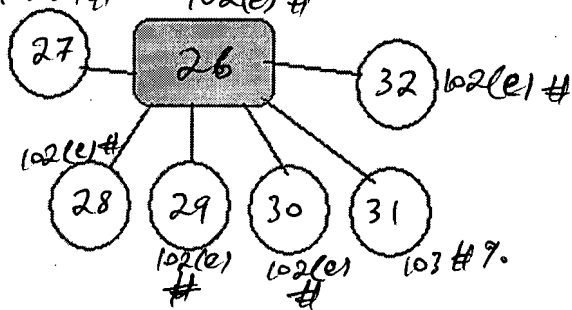
Application # 10/726648

Neely, III et al.   #
Kuthyar et al.   %